

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated November 26, 2008 (hereinafter Office Action) have been considered. Claims 1-23 and 25-66 remain pending in the application. Claims 33-47 are canceled herein without prejudice or disclaimer as being drawn to a non-elected invention. Claims 49 and 60 are canceled herein without prejudice or disclaimer. Claims 1-17, 48, and 50-54 are amended herein. No new matter has been added. The Applicant appreciates the Examiner's indication of allowance of Claims 18-23 and 25-32. Reconsideration of the claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-17, 50, 52, and 54-66 are rejected based on 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Specifically, the Office Action contends that support is not provided in the Specification for a lead body with a PVDF arrangement as in claims 1-17, 50, 52, and 55-66. (Page 2). The Applicant respectfully submits that the Specification provides adequate support for a lead body with a PVDF arrangement. For example, Page 17, Lines 10-16 describes a PVDF arrangement on a lead.

Regarding claims 14 and 54, the Office Action states that support cannot be found for an embodiment that is both rigid and malleable. The Applicant has amended claims 14 and 54 in a manner that renders this issue moot.

For the reasons discussed above, the Applicant respectfully requests reconsideration and withdrawal of the §112, first paragraph rejections of claims 1-17, 50, 52, 54-59, and 61-66.

Claims 1-17, 48-54, 60 and 62 are rejected based on 35 U.S.C. §112, second paragraph, as being indefinite.

Regarding claims 1, 14, 48, 52, and 54, the Office Action states that it is unclear how a lead body can be both rigid and malleable. The Applicant has amended the claims in a manner that renders this issue moot. For example, no string of claims describes a lead as rigid and malleable.

Regarding claims 15, 17, 60, and 62, the Office Action states that “it is unclear how a DC current provides sonophoresis due to the requirement of an oscillating driving force for sonophoresis.” (Page 3). The Applicant notes that while claims 17 and 62 recite use of a DC bias voltage, they also recite use of an AC signal which can provide the oscillating driving force. Claim 15 has been amended in a manner to render this issue moot for claim 15 and claim 60 has been canceled.

Claim 48 has been amended to supply the proper antecedent basis for the terms of claim 52.

For each of the reasons discussed above, the Applicant respectfully requests reconsideration and withdrawal of the §112, second paragraph rejection of claims 1-17, 48-54, and 62.

The Office Action states that claims 1-17 and 55-56 would be allowable if rewritten or amended to overcome the rejection(s) based on 35 U.S.C. §112, 1st paragraph and 2nd paragraph. (Page 6). The Applicant respectfully submits that the §112, 1st paragraph and 2nd paragraph rejections have been addressed herein. Therefore, the Applicant respectfully requests notification of allowance of claims 1-17, 48, and 50-54.

Claims 48, 49 and 53 are rejected based on 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 7,190,997 to Darvish et al. (hereinafter “Darvish”) or, in the alternative, based on 35 U.S.C. §103(a) as obvious over Darvish in view of U.S. Publication No. 2002/0035376 by Bardy et al. (hereinafter “Bardy”). Claim 51 is rejected based on 35 U.S.C. §103(a) as being unpatentable over Darvish in view of Bardy. Claim 54 is rejected based on 35 U.S.C. §103(a) as being unpatentable over Darvish or Darvish in view of Bardy.

The Office Action states that claims 50 and 52, which depend from independent claim 48, would be allowable if rewritten to overcome the rejections based on 35 U.S.C. §112, 1st paragraph and 2nd paragraph. (Page 6). Independent claim 48 has been amended with PVDF arrangement subject matter of claims 50 and 52. Also, as discussed above, the §112, 1st paragraph and 2nd paragraph rejections of claims 50 and 52 have been addressed herein. Therefore, the Applicant respectfully requests reconsideration and withdrawal of the

§102(b) and §103(a) rejections of independent claim 48 and associated dependent claims 50-54.

Authorization is given to charge Deposit Account No. 50-3581 (GUID.626PA) any necessary fees for this filing. Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

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By: /Mark Hollingsworth/

Mark Hollingsworth
Reg. No. 38,491